

will help create jobs through work that needs to be done.’’

These maritime officers wouldn’t want to be sailing on a dangerous boat.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to oppose H.R. 1961, which would exempt the steamboat Delta Queen from important fire safety requirements. While I appreciate the historical significance of this Mississippi River steamboat, I believe that public safety must be our first priority. Exempting the Delta Queen through the passage of H.R. 1961 would expose the public to an unacceptable risk of catastrophic fire by allowing a vessel that does not meet current safety standards to carry more than 50 overnight passengers. For these reasons, I vote “no.”

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 1961.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GARAMENDI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House following title:

H.R. 3092. An act to amend the Missing Children’s Assistance Act, and for other purposes.

COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS RELATING TO SLEEP DISORDERS

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3095) to ensure that any new or revised requirement providing for the screening, testing, or treatment of individuals operating commercial motor vehicles for sleep disorders is adopted pursuant to a rulemaking proceeding, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS RELATING TO SLEEP DISORDERS.

(a) IN GENERAL.—The Secretary of Transportation may implement or enforce a requirement providing for the screening, testing, or treatment (including consideration of all possible treatment alternatives) of individuals operating commercial motor vehicles for sleep disorders only if the requirement is adopted pursuant to a rulemaking proceeding.

(b) APPLICABILITY.—Subsection (a) shall not apply to a requirement that was in force before September 1, 2013.

(c) SLEEP DISORDERS DEFINED.—In this section, the term “sleep disorders” includes obstructive sleep apnea.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 3095. This bill ensures that any new or revised requirements made by the Secretary for the screening, testing, or treatment of commercial motor vehicle drivers for obstructive sleep apnea is adopted through a rulemaking proceeding.

H.R. 3095 does not require a rulemaking proceeding to be initiated. It only requires that any future changes to screening, testing, or treatment requirements for obstructive sleep apnea are made through a rulemaking.

A rulemaking will help the Federal Motor Carrier Safety Administration, stakeholders and this Congress understand the costs and benefits of the proposed changes and provide stakeholders an opportunity to comment.

H.R. 3095 is the most responsible way to move forward with any changes to obstructive sleep apnea screening, testing, or treatment requirements.

This bill has over 59 Democratic and Republican cosponsors and shows how effective a bipartisan effort to move practical legislation can be. Senator BLUNT from Missouri and Senator WARNER from Virginia have introduced S. 1537, the companion bill to that before us, H.R. 3095.

This bill has strong bicameral, bipartisan support, and I urge all of my colleagues to support H.R. 3095.

I reserve the balance of my time.

Ms. NORTON. I thank my good friend, the chairman of the subcommittee, for his work on this very important bill, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3095. This legislation ensures that changes planned by the Federal Motor Carrier Safety Administration to better diagnose and treat sleep apnea among commercial truck and bus drivers will be done with a formal rulemaking.

I believe the FMCSA’s initiative to address sleep apnea is important, and I fully support the Agency’s efforts to improve safety. There is little question that obstructive sleep apnea, if left un-

treated, can significantly affect a truck or bus driver and his or her on-the-job performance.

When we scheduled markup of this bill in the Committee on Transportation and Infrastructure, the Agency was considering making significant changes to the medical screening of drivers for sleep apnea through guidance. The rulemaking process, however, will afford FMCSA the opportunity to get input from the public, including drivers and companies who will be directly affected by the changes.

FMCSA has since committed to making changes through a rulemaking. Therefore, this legislation has been overtaken by events and seems to have already had the desired effect. While I am not sure this bill is necessary, I have no objection whatsoever to its content, and I support its adoption.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from the State of Indiana (Mr. BUCSHON).

Mr. BUCSHON. Mr. Speaker, this legislation is simple, but has the potential to save the trucking industry nearly \$1 billion.

If the Department of Transportation—specifically the Federal Motor Carrier Safety Administration—decides they want to weigh in on sleep apnea, they need to do so by a rulemaking process.

On April 20, 2012, FMCSA published a Federal Register notice that stated FMCSA was going to publish regulatory guidance related to sleep apnea. Subsequently, as has been mentioned, they decided to go through the rulemaking process. But I still believe this bill is necessary to codify that position into law and give the opinion of Congress to FMCSA on this issue.

The problem with issuing guidance instead of traditional rulemaking is that guidance is nonbinding and open to interpretation. When somebody with a commercial driver’s license goes to a physician to get a physical, the doctor can follow the guidance and recommend a sleep apnea test. Sleep apnea tests cost thousands of dollars, and the cost would be shifted to the employer of the driver, or if they are an independent driver, to themselves. If the doctor chose to ignore the guidance, they would be open to possible legal actions.

I know from experience that most physicians already practice defensive medicine, and any guidance related to this issue would only drive up the cost of medicine and hurt an industry that is already facing high unemployment.

The American Trucking Association has estimated that nearly one-third of their drivers would meet the arbitrary body mass index threshold. That would be an estimated 1 million drivers getting a sleep apnea test at an average cost of \$2,265. The total cost just to the American Trucking Association members would be estimated between \$900 million and \$1.2 billion. The School Bus